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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|----------------------------|-------------|----------------------|-------------------------|------------------|--|
| 09/707,852 | 11/07/2000 | Andrey Zarur Jury | S1417/7004 | 9828 | |
| 7590 02/27/2006 | | EXAMINER | | | |
| Timothy J Oyer | | | REDDING, | REDDING, DAVID A | |
| Wolf Greenfield & Sacks PC | | | ART UNIT | PAPER NUMBER | |
| 600 Atlantic Avenue | | | ARTONII | PAPER NUMBER | |
| Boston, MA 02210 | | | 1744 | | |
| | | | DATE MAILED: 02/27/2006 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | Application No. | Applicant(s) | | |
|--|--|---|--------------|--|--|
| Office Action Summary | | 09/707,852 | JURY, ANDREY | | |
| | | Examiner | Art Unit | | |
| | | David A. Redding | 1744 | | |
| - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | |
| Status | | | | | |
| 1)🖂 | Responsive to communication(s) filed on 30 No | ovember 2005. | | | |
| 2a) <u></u> □ | This action is FINAL . 2b)⊠ This | action is non-final. | | | |
| 3) | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | |
| | closed in accordance with the practice under $\boldsymbol{\mathcal{E}}$ | x parte Quayle, 1935 C.D. 11, 45 | 3 O.G. 213. | | |
| Disposition of Claims | | | | | |
| 4) Claim(s) 157-174 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 157-174 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. | | | | | |
| Applicati | on Papers | | | | |
| 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | |
| Priority u | ınder 35 U.S.C. § 119 | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | |
| 2) Notice 3) Inform | e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date 11/30/05. | 4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other: | | | |

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DETAILED ACTION

The abandonment of 12/1/05 has been withdrawn in with the Request For Continuing Examination, filed 11/30/05.

Response to Amendment

The amendment filed 11/30/05 was sufficient in overcoming the rejections of the final rejections, mailed 5/17/05.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 174, 157-173, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiners understanding of the invention as described in the specification is a reactor (10) which comprises a plurality of reaction units (12,14,18,18). The reaction units are connectable and detachable. Only one of the reaction units has a surface which is suitable for cell growth, that being unit (16). Claim 174 specifies, a plurality of reaction units constructed to operate in parallel, each reaction unit comprising an inlet, an outlet, and a fluid pathway connecting the inlet and outlet, the fluid pathway comprising a chamber having a surface suitable for cell growth ...". Accordingly, the claims are considered to not supported by the specification. Further, claims 168 thru 173 are also confusing and appear not to be supported by the specification.

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The specification discloses that a plurality of "reactors" operate in parallel, however they are not disclosed as being "attachable and separable". There appears to be some confusing between the disclosed function of "reactors" (10) and "reaction units" (12,14,16,18). It is the examiners opinion that the claims are not commensurate with the specification.

Allowable Subject Matter

Claim 174 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 157 thru 173 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Redding whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David A Redding Primary Examiner Art Unit 1744

DAR